

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:13-CV-110-F

CATHY L. RUDISILL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

ORDER

This case comes before the court on a motion (D.E. 39) by defendant United States of America (“defendant”) (1) to compel production of Fed. R. Civ. P. 26(a)(1) initial disclosures from plaintiff Cathy L. Rudisill (“plaintiff”) and (2) to extend its deadline to serve expert reports. Plaintiff filed a response (D.E. 42) in which she concedes that the initial disclosures were not timely served. Plaintiff contends that the delay was the result of a complete failure of her counsel’s computer systems and counsel’s mistaken belief that the initial disclosures had been served. Plaintiff does not object to entry of a directive to provide the initial disclosures, although representations in the response, filed 24 March 2014, suggest that she may have by now served the disclosures. (*See* Pl.’s Resp. 3, 5).

The motion shall be ALLOWED IN PART and DENIED IN PART on the following terms:

The portion of defendant’s motion seeking production of the initial disclosures is ALLOWED. To the extent plaintiff has not already served her initial disclosures, she shall serve them by 25 April 2014.

The portion of defendant’s motion seeking extension of the deadline for expert reports is DENIED without prejudice as premature. Because defendant’s expert reports are not due under

the Scheduling Order (D.E. 27 at 1 ¶ 2) until 15 August 2014, substantial time remains for defendant to retain experts and for such experts to prepare reports.

Each party shall bear its own costs incurred on the motion. *See* Fed. R. Civ. P. 37(a)(5).

SO ORDERED, this the 21st day of April 2014.


James E. Gates
United States Magistrate Judge